

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKx
Advance Local Media LLC, et al.,

Plaintiffs,

v.

25 Civ. 1305 (CM) (SN)

Cohere, Inc.,

Defendant.

USDC SDNY
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CIVIL CASE MANAGEMENT PLAN

(For all cases except those exempt per Individual Rules)

McMahon, J.:

1. This case is to be tried to a jury.
2. Defendant has agreed to waive service. Accordingly, Defendant's response to the Complaint shall be filed by May 22, 2025. In the event Defendant files a responsive motion, Plaintiffs shall file their opposition or response by July 2, 2025. Any reply papers must be filed by July 25, 2025.
3. Discovery pursuant to Fed. R. Civ. P. 26(a) shall be exchanged by **May 29, 2025**.
4. No additional parties may be joined after **September 15, 2025**.
5. No pleading may be amended after **September 15, 2025**. Notwithstanding the foregoing, solely to update the works and marks in suit Plaintiffs may file an amended complaint by **December 1, 2025**.
6. If your case is brought pursuant to 42 U.S.C. § 1983: In keeping with the United States Supreme Court's observation that the issue of qualified immunity should be decided before discovery is conducted, counsel representing any defendant who intends to claim qualified immunity must comply with the special procedure set forth in Judge McMahon's individual rules, which can be found at www.nysd.uscourts.gov.

Failure to proceed in accordance with the qualified immunity rules constitutes a waiver of the right to move for judgment on the ground of qualified immunity prior to trial.

7. All discovery, *including expert discovery*, must be completed on or before **July 24, 2026**, with fact discovery concluding on or before **February 27, 2026**.

- a. For personal injury, civil rights, employment discrimination or medical

malpractice cases only: Plaintiff's deposition shall be taken first, and shall be completed by _____.

b. **PLEASE NOTE:** the phrase "all discovery, including expert discovery" means that the parties must select and disclose their experts' identities and opinions, as required by Fed. R. Civ. P. 26(a)(2)(B), well before the expiration of the discovery period. Expert disclosures conforming with Rule 26 must be made no later than the following dates:

- i. Opening Expert Reports by **March 27, 2026.**¹
- ii. Rebuttal Expert Reports by **May 8, 2026.**

8. Judge McMahon's rules governing electronic discovery are automatically in force in this case. The parties must comply with those rules unless they supersede it with a consent order. The text of the order will be found at www.nysd.uscourts.gov.

9. Discovery disputes in this case will be resolved by the assigned Magistrate Judge, who is **Chief Magistrate Judge Sarah Netburn**.

- a. The first time there is a discovery dispute that counsel cannot resolve on their own, file a letter to Chambers via ECF and ask for an order of reference to the Magistrate Judge for discovery supervision. Thereafter, go directly to the Magistrate Judge for resolution of discovery disputes; do not contact Judge McMahon.
- b. Discovery disputes do not result in any extension of the discovery deadline or trial-ready date, and Judge McMahon must approve any extension of the discovery deadline in non-*pro se* cases.
- c. *The Magistrate Judge cannot change discovery deadlines unless you agree to transfer the case to the Magistrate Judge for all purposes.* Judge McMahon does not routinely grant extensions so counsel are warned that if they wait until the last minute to bring discovery disputes to the attention of the Magistrate Judge, they may find themselves precluded from taking discovery because they have run out of time.

10. A joint pretrial order in the form prescribed in Judge McMahon's Individual Rules, together with all other pretrial submissions required by those rules (not including *in limine* motions), shall be submitted on or before **September 3, 2026.**

- a. Following submission of the joint pretrial order, counsel will be notified of the date of the final pretrial conference.
- b. *In limine* motions must be filed within **five days** of receiving notice of the final pretrial conference; responses to *in limine* motions are due **five days** after the motions are made. Cases may be called for trial at any time following the final pretrial conference.

¹ Opening Expert Reports will be served by the party that bears the burden of proof.

c. For bench trials, see Judge McMahon's special rules for bench trials in the Individual Rules.

11. No motion for summary judgment may be served after the date the pretrial order is due. *The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order and other pretrial submissions on the assigned date.*

12. The parties may at any time consent to have this case tried before the assigned Magistrate Judge pursuant to 28 U.S.C. § 636(c).

13. This scheduling order may be altered or amended only on a showing of good cause that is not foreseeable at the time this order is entered. *Counsel should not assume that extensions will be granted as a matter of routine.*

Dated: March 28, 2025
New York, New York

Upon consent of the parties:

/s/ Scott A. Zebrak

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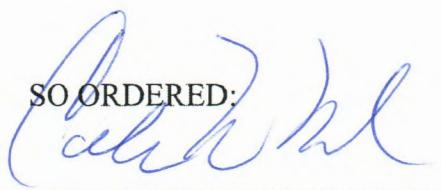
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SO ORDERED:


Hon. Colleen McMahon
U.S. District Judge